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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 THOMAS HAGEDORN, on behalf of
11 himself and all others similarly situated,

12 Plaintiff,

13 v.

14 NEST LABS, INC.,

15 Defendant.
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Case No. 3:14-cv-00755-VC

**JOINT STIPULATION REGARDING
BRIEFING SCHEDULE ON
JURISDICTIONAL ISSUES**

Judge: Hon. Vince Chhabria

Complaint Filed: February 19, 2014

1 Plaintiff Thomas Hagedorn (“Hagedorn”) and Defendant Nest Labs, Inc. (“Nest”), by and
2 through their counsel, hereby jointly stipulate as follows:

3 1. WHEREAS the Court held a case management conference in this matter on May
4 30 at 10:00 a.m. Following the conference, the Court ordered the parties to file a stipulation
5 “regarding the contractual provision used in determining California law and choice of venue.”
6 The Court further instructed the parties to include a briefing schedule on the question of
7 jurisdiction, if necessary. The Court ordered the parties to note that the Motion to Dismiss
8 noticed for hearing on July 10, 2014 is vacated, the briefing on that motion is stayed, and the
9 hearing may be rescheduled at a later date.

10 2. The parties are unaware of any California choice of law provision that applies
11 conclusively to the purchase of Mr. Hagedorn’s Nest thermostat.

12 3. The parties further stipulate and agree that they shall submit simultaneous briefs
13 on the question of jurisdiction to the Court no later than July 10, 2014, and that the matter shall be
14 heard on July 31 at 10:00 a.m., or at another time that is convenient for the Court;

15 4. The parties further stipulate and agree that the Motion to Dismiss noticed for
16 hearing on July 10, 2014 is vacated and may be rescheduled at a later date, and that the briefing
17 on that motion is stayed. The parties also agree to meet and confer regarding any impact this
18 stipulation may have on other case deadlines.

19 IT IS SO STIPULATED.

20
21 Dated: June 9, 2014

KEKER & VAN NEST LLP

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23 By: /s/ Simona A. Agnolucci
24 BENEDICT Y. HUR
SIMONA A. AGNOLUCCI

25 Attorneys for Defendant
26 NEST LABS, INC.
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1 Dated: June 9, 2014

WILLIAMS DIRKS DAMERON LLC

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3 By: /s/ Eric L. Dirks
ERIC L. DIRKS

4 Attorneys for Plaintiff
5 THOMAS HAGEDORN

6 **ATTESTATION**

7 Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the
8 filing of this document has been obtained from the other signatories.

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10 Dated: June 9, 2014

/s/ Simona A. Agnolucci
11 Simona A. Agnolucci

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13 **[PROPOSED] ORDER**

14 **PURSUANT TO STIPULATION, THE COURT ORDERS AS FOLLOWS:**

- 15 1. The parties shall submit simultaneous briefs on the question of jurisdiction no
16 later than July 10, 2014.
- 17 2. The question of the Court's jurisdiction over this matter will be heard on July
18 31, 2014 at 10:00 a.m.
- 19 3. The Motion to Dismiss noticed for hearing on July 10, 2014 is vacated and may
20 be rescheduled at a later date, and the briefing on that motion is stayed.

21
22 Dated: _____

23 Honorable Vince Chhabria
24 Judge, United States District Court